

	<h1 style="text-align: center;">Garner Police Department</h1> <h2 style="text-align: center;">Written Directive</h2>	
	Chapter: 800 - Operations	
	Directive: 840.05 - Juvenile Operations	
Authorized by: Chief Joe Binns		Effective Date: June 15, 2021
CALEA Standards: 41.2.6, 44.1.1, 44.1.2, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 44.2.5, and 82.1.2 (6 th Edition)		

840.5.1 – Purpose (44.1.1)

The purpose of this directive is to establish policy and procedure relating to juvenile operations for the Department. Sworn and civilian employees are responsible for proper procedures in juvenile matters; sworn employees are responsible for selecting the least restrictive course of action appropriate to the situation and the needs of the juvenile. It will be necessary to cooperate with Juvenile Court Counselors, Social Service Workers, and other agencies to coordinate efforts and share information.

840.5.2 – Policy (41.2.6; 44.1.2)

- A. It will be the policy of the Department that juvenile cases will be managed in a manner such that enforcement action taken ensures the protection of the public and is in the best interest of the youth.
 - 1. The Department is committed to the development and perpetuation of programs that are designed to control and prevent juvenile delinquency; and
 - 2. The Department is committed to providing the resources necessary to respond to and address cases of runaway juveniles.
- B. The Department encourages review and comment by other elements of the juvenile justice system, or subject matter experts, in the development of policies and procedures related to juveniles.

840.5.3 - Definitions

- A. At-Risk Juvenile - A juvenile less than eighteen (18) years of age, who is not supervised by an adult and is in a public place, and/or is a victim of criminal behavior, or whom the officer has probable cause to believe is abused, neglected, or dependent.
- B. Delinquent Juvenile –
 - 1. Any juvenile who, while less than 16 years of age but a least 6 years of age, commits a crime or infraction under state law or an ordinance of local government, including violations of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31; or
 - 2. Any juvenile who, while less than 18 years of age but a least 6 years of age, commits a crime or infraction under state law or an ordinance of local government, excluding violations of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
- C. Diversion - Any procedure that:
 - 1. Substitutes non-entry for official entry in the justice process;

2. Substitutes the suspension of criminal or juvenile proceedings for seeking a juvenile petition;
 3. Substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or
 4. Substitutes any kind of non-confinement status for confinement.
- D. Juvenile - Any person who has not reached his/her eighteenth birthday and who is not married, emancipated, or a member of the armed services of the United States.
- E. Juvenile Court Counselor - A person who screens petition requests alleging that a juvenile is delinquent or undisciplined to determine whether a petition should be filed.
- F. Non-Secure Custody - The physical placement of a juvenile in a licensed foster home, a home authorized to provide such care, a facility operated by the Division of Social Services, or any home or facility approved by the court and designated in a court order.
- G. Non-testimonial Identification - A court-ordered procedure that requires the presence of a person (juvenile) for the purpose of establishing questioned identity and/or participation in a criminal act by means of examination of fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, other reasonable physical examination, handwriting exemplars, voice samples, photographs, lineups, or other similar identification procedures.
- H. Physical Custody – The legal restraint of a person for the purpose of investigating a violation of the North Carolina General Statute (NCGS) or a Town of Garner ordinance or as otherwise authorized by NCGS.
- I. School-Age Juvenile - A juvenile at least six but less than sixteen years of age.
- J. Secure Custody - The physical placing and holding of a juvenile in an approved detention home or a regional detention facility.
- K. Temporary Custody - The taking of a person into physical custody and providing personal care and supervision until a court order for secure or non-secure custody may be obtained. For the purposes of this directive, “Temporary Custody” is further defined the following two ways:
1. Temporary / Offense Custody – in accordance with [NCGS 7B-1900](#), when a juvenile is taken into custody because:
 - a. Grounds exist for the arrest of an adult in identical circumstances under [NCGS 15A-401\(b\)](#);
 - b. There are reasonable grounds to believe the juvenile is an undisciplined juvenile; or
 - c. There are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Division of Social Services or from an approved detention facility.
 2. Temporary / Protective Custody – in accordance with [NCGS 7B-500](#), when a juvenile is taken into custody because there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order.
- L. Truant - A juvenile at least six but less than sixteen years of age who is absent from school without a lawful excuse.

M. Undisciplined Juvenile:

1. A juvenile who, while at least six (6) years of age but less than sixteen (16) years of age, is:
 - a. Unlawfully absent from school; or
 - b. Is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or
 - c. Is regularly found in places where it is unlawful for a juvenile to be; or
 - d. Has run away from home for a period of more than 24 hours; or
2. A juvenile who is 16 or 17 years of age and who is:
 - a. Regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or
 - b. Is regularly found in places where it is unlawful for a juvenile to be; or
 - c. Has run away from home for a period of more than 24 hours.

840.5.4 - Organization and Administration (44.1.1; 44.1.3; 44.2.4; 44.2.5)

- A. The Department's juvenile operations will include, at a minimum, the following activities:
 1. Designing and implementing programs intended to prevent and control delinquent behavior by juveniles;
 2. Follow-up processing of juvenile enforcement;
 3. Coordination and preparing court cases in which a juvenile is involved; and
 4. Diverting juvenile offenders out of the juvenile justice system when appropriate.
- B. The Department will establish and maintain a school liaison program primarily through the use of School Resource Officers (SROs).
 1. SROs will be designated as the primary juvenile officers of the Department.
 2. The SROs will be assigned to the high schools and middle schools. These officers will be responsible for establishing liaison with school personnel in a cooperative effort to prevent juvenile delinquency, to maintain a safe and secure environment on campus that will be conducive to learning, and to serve for preventing criminal activity and disturbances.
 3. SRO responsibilities include, but are not limited to, the following activities:
 - a. Reporting and investigating criminal acts and responding to calls for service occurring on campus;
 - b. Assisting other sworn personnel with juveniles cases involving students;
 - c. Making arrests for offenses committed in his/her presence and transporting the arrestee(s) to proper facilities for processing. In addition, the SRO is responsible for completing all necessary paperwork related to his/her duties;

- d. Developing and implementing delinquency prevention programs;
 - e. Performing duties as determined by the principal other than those regularly assigned to school personnel (SROs will not perform duties such as lunchroom or hall duty);
 - f. Being available to meet with students on an individual basis when called upon to:
 - 1) Assist in resolving, by advice, issues between students that involve criminal matters or matters that may result in a criminal matter, disturbance, or disruption;
 - 2) Counsel on substance abuse, sexual abuse, or any form of child abuse; and
 - 3) Make referrals when appropriate to other social service agencies when the assistance needed by the students is beyond the scope of the officer.
 - g. Providing consultation to teachers, counselors, and administrators of the school. The SRO will provide information to teachers concerning laws and updates on new laws as it relates to their field. The SRO may consult with counselors and principals at their request concerning school problems or activities when they relate to the police function; and
 - h. Serving as an adjunct to the regular school program by:
 - 1) Conducting classroom instruction on any topic that concerns the police, police department, law, legal process, crime prevention, courts, or any other areas related to crime and/or public safety.
 - 2) Attending PTSA meetings to explain his/her role to parents and listen to concerns that parents have about their children.
- 4. The SROs will report directly to the Community Services Sergeant concerning all matters pertinent to their position and function. SROs will not involve themselves in administrative personnel matters of the Wake County School System that are not criminal offenses. SROs will refrain completely from functioning as school disciplinarians.
 - 5. A memorandum of understanding between the Garner Police Department and the Wake County Public School System will be maintained that serves as a guide for SRO operations.
- C. The Criminal Investigations Division (CID) will support the Department's juvenile operations as follows:
- 1. The following cases will typically be assigned to a General Investigator in CID:
 - a. Any report where a juvenile is suspected of being abused (to include sexual abuse), neglected, or dependent;
 - b. All cases involving runaway juveniles; and
 - c. Any other cases that the CID Supervisors deem appropriate.
 - 2. The CID Supervisors will be responsible for reviewing all incidents where juveniles are victims or offenders.
- D. Patrol Officers and other sworn personnel will respond to incidents involving juveniles and will provide appropriate assistance and, when appropriate, enforcement. If any case that requires follow-up is not assigned to a General Investigator, it will be the responsibility of the initial reporting officer to conduct appropriate follow-up. Guidance regarding appropriate steps and available resources may be obtained from an SRO or a General Investigator.

- E. The Department will share its policies and procedures relating to juvenile operations with other components of the juvenile justice system. In addition, the Department will solicit review and comment pertaining to its juvenile operations by making direct requests and through interaction with others in the juvenile justice system.
- F. The Department supports the philosophy of youth interaction and participation in community-based programs.
 - 1. All Department employees are encouraged to volunteer their time to become active in community recreational youth programs sponsored by the Department, the Garner Parks, Recreation, and Cultural Resources Department, or other Town or community groups.
 - 2. The Department specifically partners with the [Garner Police Athletics/Activities League \(PAAL\)](#) Board of Directors to support community-based programs and services for youth in the community.
- G. The Department maintains a listing of social service agencies, in the service area, for information and referrals. This information may be obtained from the Community Services Unit or RWECC.
- H. The Community Services Sergeant will conduct an annual evaluation of all Departmental enforcement and prevention programs relating to juveniles. All elements of such plans will be assessed to determine if particular programs should be continued, modified, or discontinued. The completed evaluation will be reviewed and approved by the Chief of Police.

840.5.5 – Response to “At-Risk” Juvenile Non-Offenders Under Age 18 (44.2.3)

- A. In many cases, officers will be required to interact with juveniles under the age of eighteen (18) who have not committed an act that would constitute a crime if committed by an adult but are in need of assistance.
- B. Officers may take a juvenile into temporary / protective custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order ([NCGS 7B-500](#)).
- C. Any officer taking a juvenile into temporary / protective custody shall ([NCGS 7B-501](#)):
 - 1. Notify the juvenile's parent, guardian, custodian, or caretaker by phone or in-person that the juvenile has been taken into custody and advise the parent, guardian, or custodian that they have the right to be present with the juvenile until a determination is made as to disposition of custody.
 - a. If the officer determines that continued custody is not necessary, the officer shall release the juvenile to the juvenile's parent, guardian, or custodian; or
 - b. If the officer determines that continued custody is necessary, the officer shall contact the [Juvenile Court Counselors' Office](#) and/or the [Division of Social Services](#) and will proceed as directed by the Court.
 - 2. Document their interaction with the juvenile and the parent, guardian, or custodian as required by Department reporting guidelines.
- D. Any juvenile taken into temporary / protective custody shall not be held for more than twelve (12) hours, or for more than twenty-four (24) hours if any of the twelve (12) hours falls on a Saturday, Sunday, or legal holiday.

840.5.6 - Runaway Juveniles (41.2.6)

- A. All juveniles (under age eighteen (18)) who have left home without permission, who refuse to return home, or whose location is unknown by their parent, guardian, or custodian may be reported as runaway juveniles.
- B. An officer who takes a report from a parent, guardian, or custodian of a runaway juvenile will, without unnecessary delay:
 - 1. Obtain all relative biographical data about the juvenile, including a recent photograph.
 - 2. Notify the [Raleigh-Wake Emergency Communications Center \(RWECC\)](#) to:
 - a. Have the juvenile put into NCIC as a missing person; and
 - b. Have a broadcast put out by RWECC to other agencies notifying them of the runaway juvenile.
 - 3. When appropriate, request that the parent, guardian, or custodian go to the Juvenile Court Counselors' Office and file an undisciplined juvenile complaint.
 - 4. Notify the on-duty supervisor to determine if notification should be made to the Criminal Investigations Division.
 - 5. Follow-up on possible leads throughout the remainder of the shift as time allows.
- C. An officer who locates a runaway juvenile may take temporary / protective custody of the juvenile, without a court order, in order to return the juvenile to the custody of their parent, guardian, or custodian ([NCGS 7B-500](#)).
- D. Information regarding Department policy for missing or unidentified juveniles is found in [Department directive 820.10, Procedures for Missing Persons](#).

840.5.7 – Truancy (44.2.2, 44.2.4)

- A. NCGS requires that juveniles the age of six (6) or older but under the age of sixteen (16) attend school; a juvenile that is unlawfully absent from school is defined as an undisciplined juvenile.
- B. When an officer observes a possible truant juvenile, the officer should conduct a voluntary field interview with the juvenile to determine his/her current status in school. The officer should question the juvenile regarding his/her absence from school.
 - 1. If the officer has reasonable suspicion to believe the juvenile is truant, the officer may:
 - a. Briefly detain the juvenile;
 - b. Contact the juvenile's home school to confirm whether he/she is expelled, suspended, or truant; and/or
 - c. Contact [RWECC](#) and the [Juvenile Court Counselors' Office](#) to determine:
 - 1) If the juvenile is a runaway;
 - 2) If the juvenile has any pending court orders; and
 - 3) If the juvenile is an absconder from any state training school or approved detention facility.

2. If the officer develops probable cause to believe the student is truant, the officer is authorized to take the juvenile into physical custody and transport him/her to their assigned school if it is within reasonable distance.
 3. The juvenile shall not be transported to any school if he/she has been suspended or expelled. If the juvenile has been suspended or expelled, then the officer should proceed as outlined in 840.5.5.C for processing a juvenile in temporary / protective custody.
- C. SROs will be responsible for truancy prevention programs within the Department. These programs will work toward reducing the opportunity for juveniles to become victims or perpetrators of crime and will encourage juveniles to attend school. The SROs will work with guidance counselors to identify and assist those students continually truant from school.

840.5.8 - Guidelines for Interacting with Juvenile Offenders Under Age 18 (44.2.1)

- A. Officers dealing with juvenile offenders are to use the least restrictive of available alternatives, consistent with preserving public safety, order, and individual liberty.
- B. When dealing with juveniles under the age of eighteen (18) who have committed an act that constitutes a misdemeanor or a felony if committed by an adult, officers shall select the least restrictive course of action appropriate to the situation and the needs of the juvenile from the following categories of alternatives:
1. Divert the juvenile from the court system by:
 - a. Counseling the juvenile and releasing them to a parent, guardian, or custodian; and/or
 - b. Referring the juvenile to a community resource, to include but not be limited to an approved diversion program, or
 2. Initiate formal court proceedings by filing a complaint with the Juvenile Court Counselors' Office (in accordance with [NCGS 7B-1803](#)).
- C. When determining the course of action to be taken, officers shall consider the following factors:
1. Nature of the alleged offense;
 2. Age and circumstance of the offender;
 3. Offender's record, if any;
 4. Availability of community-based programs;
 5. Needs and limitations of the juvenile;
 6. Strengths and weaknesses of the family; and
 7. Concerns of victims and/or complainants.
- D. Juveniles committing the following offenses are required to be referred to the Juvenile Court Counselors' Office with a request for a Juvenile Petition:
1. Non-divertible offenses as defined in [NCGS 7B-1701](#):
 - a. Murder;

- b. First-degree rape or second degree rape;
 - c. First-degree sexual offense or second degree sexual offense;
 - d. Arson;
 - e. Any violation of [Article 5, Chapter 90 of NCGS](#) that would constitute a felony if committed by an adult;
 - f. First degree burglary;
 - g. Crime against nature; or
 - h. Any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.
- 2. Other delinquent acts involving the use or possession of a firearm; or
 - 3. Felony gang-related delinquent acts.
- E. Other situations that may justify referral to the Juvenile Court Counselors' Office include, but are not limited to:
- 1. Juveniles who have been selected for a diversion program but have refused to participate;
 - 2. Cases in which it has been determined that parental supervision is not effective;
 - 3. Cases in which previous deferrals have proven unsuccessful in modifying a juvenile's behavior;
 - 4. Delinquent acts committed by juveniles under probation or by those with a case pending; or
 - 5. Repeated delinquent acts within a twelve (12) month period.
 - 6. Juveniles under the age of 16 who commit a Chapter 20 offense (motor vehicle violation) remain under the jurisdiction of juvenile court. A juvenile age 16-17 who commits any Chapter 20 offense (motor vehicle violation) is subject to the criminal process outlined in Chapter 15A of the NC General Statutes.
 - 1. This motor vehicle exception carve-out for 16- and 17-year-olds means that the criminal process found in Chapter 15A of the General Statutes must be followed for any Chapter 20 offense charges. Any misdemeanor or infraction can be handled by law enforcement through the issuance of a citation. [G.S. 15A-302](#). Law enforcement will also have the option of arrest if they believe that a 16- or 17-year-old committed a misdemeanor or felony violation of Chapter 20. [G.S. 15A-401\(b\)](#). If a youth is arrested for a criminal violation of the motor vehicle law, that youth must be taken before a judicial official without unnecessary delay in the same way that all adults who are arrested must be processed. [G.S. 15A-501\(2\)](#).
 - 2. It is possible that a 16- or 17-year-old youth may be charged with both a Chapter 20 offense and a non-Chapter 20 offense. For example, a motor vehicle stop may result in both a speeding violation and a violation of the [North Carolina Controlled Substances Act](#). In this instance, only the system with relevant jurisdiction can process the charges. Therefore, the motor vehicle offense must be processed in the criminal system and the case related to the drug offense must be initiated through a complaint in the juvenile system.

7. According to NCGS 7B-1604, any juvenile who is transferred to and convicted in superior court, or who has previously been convicted in either district or superior court for a felony or misdemeanor (excluding motor vehicle violations other than DWI) will be prosecuted as an adult if the juvenile is between the ages of 16-17. A motor vehicle misdemeanor or infraction conviction (excluding DWI) does not count as a conviction for these purposes. Juveniles convicted of felony motor vehicle violations or DWIs shall be prosecuted as an adult in subsequent proceedings.

840.5.10 - Taking a Juvenile into Temporary / Offense Custody (44.2.2)

- A. Officers may take a juvenile (under age 18) into temporary / offense custody without a court order under the following circumstances ([NCGS 7B-1900](#)):
 1. If grounds exist for the arrest of an adult in identical circumstances under [NCGS 15A-401\(b\)](#);
 2. If there are reasonable grounds to believe he/she is an undisciplined juvenile; or
 3. If there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the state or from an approved detention facility.
- B. Any officer taking a juvenile into temporary / offense custody based on 840.5.10.A.1 or 2 shall ([NCGS 7B-1901](#)):
 1. Bring the juvenile to the temporary detention area without delay, unless he/she is in need of emergency medical treatment.
 2. Record information on any juvenile, under the age of 18, who is brought into temporary/offense custody as required on the North Carolina Governor's Crime Commission Juvenile Holding Log.
 3. Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise the parent, guardian, or custodian of his/her right to be present with the juvenile until a determination is made regarding the need for secure or non-secure custody.
 - a. If the officer determines that continued custody is not necessary, the officer shall release the juvenile to the juvenile's parent, guardian, custodian, or caretaker; or
 - b. If the officer determines that continued custody is necessary, the officer shall contact the Juvenile Court Counselors' Office to request a petition be filed against the juvenile and will proceed as directed by the Court.
 2. Document their interaction with the juvenile and the parent, guardian, custodian, or caretaker as required by Department reporting guidelines.
- C. Any officer taking a juvenile into temporary / offense custody as an absconder based on 840.5.10.A.3 shall, after contacting a judge or a judge's designee by administrative order and receiving an order for secure custody, transport the juvenile to the nearest approved facility providing secure custody. The officer will then contact the administration of the training school or detention facility from which the juvenile absconded ([NCGS 7B-1901](#)).
- D. Any juvenile taken into temporary / offense custody shall not be held for more than twelve (12) hours, or for more than twenty-four (24) hours if any of the twelve (12) hours falls on a Saturday, Sunday, or legal holiday.

840.5.11 - Parent, Guardian, or Custodian and School Official Notification (44.2.2)

- A. In accordance with [NCGS 15A-505](#), any officer charging a juvenile (under 18 years of age), regardless of whether they are charged in District or Juvenile Court, with a criminal offense, must:

1. Notify the juvenile's parent, guardian, or custodian of the charge as soon as practicable, in person or by telephone unless the juvenile is emancipated.
 2. If the juvenile is taken into custody, the officer shall notify the parent, guardian, or custodian in writing within twenty-four (24) hours of the arrest; [GPD form 840.5-A, Parent-Guardian Notification Letter](#), will be used for this written notification. This is in addition to the notification in person or by telephone.
 3. If the parent, guardian, or custodian cannot be located, the officer shall attempt to notify the juvenile's next of kin as soon as possible. If no family can be reached, the officer shall contact the Division of Social Services.
- B. If a student enrolled in a primary or secondary school (K-12) is charged with a felony (except for a criminal offense under [NCGS Chapter 20](#)), the officer placing the charge must:
1. Notify, in person or by phone, the school principal within five (5) days of the charge. If the student involved is a middle or high school student, this should be coordinated through the SRO.
 2. If the student is taken into custody, the arresting officer or the officer's supervisor shall notify the principal in writing within five (5) days of the arrest. This notification shall be made using [GPD form 840.5-B, School Notification of Felony Arrest](#). This is in addition to the notification in person or by telephone.
- C. Any notification made in accordance with this directive shall be noted in the officer's documentation for the incident.

840.5.12 – Juvenile Interview and Interrogation Procedures (44.2.3)

- A. Under age 18: Any juvenile taken into physical custody must be advised the following prior to questioning ([NCGS 7B-2101](#)):
1. That he/she has the right to remain silent;
 2. That any statement he/she does make can be and may be used against him/her;
 3. That he/she has the right to have a parent, guardian, or custodian present during questioning;
 4. That he/she has a right to consult with an attorney for advice before questioning and to have that attorney with him/her during any questioning. An attorney will be appointed for him/her if he/she is not represented and wants representation; and
 5. If he/she answers questions without a lawyer, parent, guardian, or custodian present, he/she still has the right to stop answering questions at any time.
- B. Under age 16: A juvenile in custody who has not reached his/her sixteenth (16th) birthday cannot be questioned unless a parent, guardian, custodian, or attorney is present at the time of the questioning ([NCGS 7B-2101](#)).
1. When interviewing juveniles under the age of sixteen (16), no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parents, guardian, custodian, or attorney.
 2. If an attorney is not present, the parent, guardian, or custodian as well as the juvenile must be advised of the juvenile's rights; however, a parent, guardian, or custodian may not waive any right on behalf of the juvenile, but the juvenile may confer with the parent, guardian, or custodian.

- C. Because of the obvious differences in managing juvenile investigations, the following guidelines will apply to juvenile interrogations:
1. No more than two (2) officers should engage in the interrogation of a juvenile.
 2. The officer conducting the interrogation will explain Departmental and juvenile justice system procedures to juveniles being interrogated.
 3. The duration of the interrogation involving juveniles should be limited to no more than two (2) hours at any one session.
 4. Sessions necessitating the use of more than two officers, or a longer period than two hours, are permitted with supervisory permission so long as the interrogation is conducted in a reasonable manner and the officer can reasonably articulate his/her justification. Any such permission shall be noted in the interrogating officer's documentation for the incident.
- D. If the juvenile indicates in any manner, at any point of questioning, he/she does not wish to be questioned further the interrogating officer will cease questioning.

840.5.13 - Agency Records Pertaining to Juveniles (82.1.2)

- A. To conform to the legal requirements and confidentiality of juvenile records ([NCGS 7B-3001](#)), the following guidelines will be adhered to:
1. All arrest and identification records pertaining to juveniles will be kept separate from adult records and will be withheld from public inspection.
 2. When a juvenile offender reaches his/her eighteenth (18th) birthday, he/she can petition the court to purge his/her record. The Department requires a Court Order to be sent to the Department's Records Division directing any such purge.
 3. Expungement of juvenile arrest records can be accomplished only by a valid court order. A Police Records Specialist designated by the Records Manager will handle all expungements.
 4. Law enforcement officers, on a need to know basis, may view juvenile records.
- B. The Records Manager is responsible for the collection, dissemination, and retention of juvenile records.
- C. External access to any law enforcement record concerning a juvenile will be limited to the prosecutor, juvenile court counselor, and the juvenile, their attorney, or their parent, guardian, or custodian (or the authorized representative of the parent, guardian, or custodian). These files are not public records.

840.5.14 - Processing of Juveniles and Collection of Evidence (44.2.2)

- A. As provided in [NCGS 7B-2102](#), when a juvenile who is at least ten (10) years of age or older and is alleged to have committed a non-divertible offense as set forth in [NCGS 7B-1701](#), a complaint has been prepared for filing as a petition, and the juvenile is in physical custody, he/she shall be fingerprinted and photographed.
1. The arresting officer shall contact the [City County Bureau of Identification \(CCBI\)](#) once the petition has been approved for filing and secure custody has been approved by a District Court judge or his designee.

2. The juvenile will be transported to CCBI. CCBI staff will process the juvenile in accordance with their procedures.
- B. A District Attorney must seek the issuance of non-testimonial orders involving juveniles.
1. Non-testimonial identification for juveniles includes identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, or other reasonable physical examination, handwriting exemplars, voice samples, photographs, and lineups or other similar identification procedures requiring the presence of a juvenile ([NCGS 7B-2103](#)).
 2. A non-testimonial identification order for other than a blood specimen may issue only on affidavit or affidavits sworn to before the Court and establishing the following grounds for the order:
 - a. That there is probable cause to believe that an offense has been committed that would be a felony if committed by an adult;
 - b. That there are reasonable grounds to suspect that the juvenile named or described in the affidavit committed the offense; and
 - c. That the results of specific non-testimonial identification procedures will be of material aid in determining whether the juvenile named in the affidavit committed the offense.
 3. A non-testimonial identification order to obtain a blood specimen from a juvenile may issue only on affidavit or affidavits sworn to before the Court and establishing the following grounds for the order:
 - a. That there is probable cause to believe that an offense has been committed that would be a felony if committed by an adult;
 - b. That there is probable cause to believe that the juvenile named or described in the affidavit committed the offense; and
 - c. That there is probable cause to believe that obtaining a blood specimen from the juvenile will be of material aid in determining whether the juvenile named in the affidavit committed the offense.
 4. A juvenile may request that the non-testimonial procedures are conducted upon him/her, but a court order is still needed ([NCGS 7B-2107](#)).
 5. When a non-testimonial order is obtained, CCBI will be responsible for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification.
 6. The North Carolina Attorney General has ruled that chemical analysis procedures do not require a non-testimonial identification order.
- C. According to NCGS 15A-284.52(c1), any juvenile who is at least ten (10) years old and is alleged to have committed murder, rape in the first or second degree, sexual offense in the first or second degree, arson, any felony drug offense, first degree burglary, crime against nature, and any felony which involves the willful infliction of serious bodily injury upon or which was committed by use of a deadly weapon, or common law robbery shall have their photograph taken with no court order required attendant to any show-up the juvenile is subjected to.

840.5.15 - Destruction of Records Resulting from Non-testimonial Identification Orders (82.1.2)

- A. The results of any non-testimonial identification procedures will be retained or disposed of as follows ([NCGS 7B-2108](#)):

1. If a petition is not filed against the juvenile who has been the subject of non-testimonial identification procedures, all records of such evidence shall be destroyed.
 2. If the juvenile is not adjudicated delinquent or convicted in Superior Court, all records resulting from a non-testimonial order shall be destroyed. Further, in the case of a juvenile who is under thirteen (13) years of age and who is adjudicated delinquent for an offense which would be less than a felony if committed by an adult, all records shall be destroyed.
 3. If a juvenile thirteen (13) years of age or older is adjudicated delinquent for an offense which would be a felony if committed by an adult, all records resulting from a non-testimonial order may be retained in the court file. Special precautions shall be taken to ensure that these records will be maintained in a manner and under sufficient safeguards to limit their use to inspection for comparison purposes by law enforcement officers in the investigation of a crime.
 4. If the juvenile is transferred to and convicted in Superior Court, all records resulting from non-testimonial identification procedures shall be processed as in the case of an adult.
 5. Any evidence seized pursuant to a non-testimonial order shall be retained by the Department until a further order is entered by the court.
- B. After any destruction of records resulting from non-testimonial identification procedures, the Records Manager will make written certification to the Court of the destruction.